

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: EMMETT R. BROWN,

Case No.: 15-11946 JKS

Judge: JOHN K. SHERWOOD

Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- | | | |
|---|--|--|
| <input type="checkbox"/> Original | <input checked="" type="checkbox"/> Modified/Notice Required | <input checked="" type="checkbox"/> Discharge Sought |
| <input type="checkbox"/> Motions Included | <input type="checkbox"/> Modified/No Notice Required | <input type="checkbox"/> No Discharge Sought |

Date: MARCH 24, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ ** per MONTH to the Chapter 13 Trustee, starting on MARCH OF 2015 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☒ Sale of real property

Description: 871 PENNSYLVANIA AVENUE, UNION, NEW JERSEY

Proposed date for completion: SEPTEMBER 30, 2017. PROCEEDS FROM SALE OF PROPERTY TO BE USED TO PAY PLAN OBLIGATIONS TO THE EXTENT NOT PAID THROUGH PLAN PAYMENTS. MORTGAGE AND/OR OTHER LIENS AGAINST THE PROPERTY TO BE PAID IN FULL AT CLOSING TO THE EXTENT NOT PAID THROUGH PLAN PAYMENTS. DEBTOR TO MAKE REGULAR MONTHLY MORTGAGE PAYMENTS TO MORTGAGEE, RESIDENTIAL CREDIT SOLUTIONS AS SERVICER FOR SECRETARY OF VETERAN'S AFFAIRS, STARTING APRIL 1, 2017 AND THEREAFTER.

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☒ Other information that may be important relating to the payment and length of plan:

- ** i. \$4,630 paid in to date through March of 2017, over twenty-five (25) months;
ii. \$210 per month, starting in April of 2017, for a period of thirty-five (35) months

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
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HERBERT B. RAYMOND, ESQ., ATTORNEYS AT LAW	ADMINISTRATIVE EXPENSE (COUNSEL FEES & SUPP. FEES)	\$2,500 (ORIGINAL LEGAL FEE) PLUS SUPPLEMENTAL COUNSEL FEES
MARIE-ANN GREENBERG, ESQ., CHAPTER 13 TRUSTEE	ADMINISTRATIVE EXPENSE	\$1,400 est.

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

<p>2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.</p>							
<p>c. Surrender</p> <p>Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:</p>							
Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt				
<p>d. Secured Claims Unaffected by the Plan</p> <p>The following secured claims are unaffected by the Plan: i. One Main Financial, continued payments, regarding an automobile loan, secured by a 2003 Toyota Solara. No arrearages. Continued payments by the Debtor directly to One Main Financial.</p>							
<p>e. Secured Claims to be Paid in Full Through the Plan:</p>							
Creditor	Collateral	Total Amount to be Paid Through the Plan					
Part 5: Unsecured Claims							
<p>a. Not separately classified allowed non-priority unsecured claims shall be paid:</p> <p><input type="checkbox"/> Not less than \$ _____ to be distributed <i>pro rata</i></p> <p><input checked="" type="checkbox"/> Not less than 100_ percent</p> <p><input type="checkbox"/> <i>Pro Rata</i> distribution from any remaining funds</p>							
<p>b. Separately classified unsecured claims shall be treated as follows:</p>							
Creditor	Basis For Separate Classification	Treatment	Amount to be Paid				

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Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

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b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) COUNSEL FEES AND SUPPLEMENTAL COUNSEL FEES
- 3) SECURED CLAIMS AND THEN PRIORITY CLAIMS
- 4) UNSECURED CLAIMS

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: MARCH 6, 2015

Explain below **why** the plan is being modified:
TO CHANGE THE PLAN TO CALL FOR A SALE OF REAL PROPERTY BECAUSE EFFORTS TO MODIFY THE MORTGAGE SEEM TO HAVE FAILED.

Explain below **how** the plan is being modified:
THE PLAN CALLS FOR A SALE OF REAL PROPERTY LOCATED AT 871 PENNSYLVANIA AVE., UNION, NEW JERSEY. THE PLAN CONTEMPLATES DIRECT PAYMENTS TO THE LENDER AND FOR THE TRUSTEE TO PAY PLAN OBLIGATIONS AND TO THE EXTENT THE PLAN OBLIGATIONS ARE NOT PAID THROUGH PAYMENTS, THEY ARE TO BE PAID THROUGH THE PROCEEDS FROM THE REAL ESTATE SALE. THE PLAN CALLS FOR A SALE OF THE PROPERTY ON OR BEFORE SEPTEMBER 30, 2017.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: MARCH 24, 2017

/S/ HERBERT B. RAYMOND, ESQ.
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: MARCH 24, 2017

/S/ EMMETT R. BROWN
Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 9 of 10
 United States Bankruptcy Court
 District of New Jersey

In re:
 Emmett R Brown
 Debtor

Case No. 15-11946-JKS
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 49

Date Rcvd: Mar 27, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 29, 2017.

db
 515310942 +Emmett R Brown, 871 Pennsylvania Avenue, Union, NJ 07083-6929
 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034
 (address filed with court: Home Depot Credit Services, Processing Center,
 Des Moines, IA 50364)
 515310919 +Citibank, PO Box 6001, Sioux Falls, SD 57117
 515310920 Citibank, PO Box 6077, Sioux Falls, SD 57117-6077
 515310918 +Citibank, PO Box 6500, Sioux Falls, SD 57117-6500
 515310922 +Citibank/The Home Depot, PO Box 6497, Sioux Falls, SD 57117-6497
 515310921 +Citibank/The Home Depot, Citicorp Credit Service, PO Box 790040,
 Saint Louis, MO 63179-0040
 515310923 +Citifinancial, PO Box 222178, Charlotte, NC 28222-2178
 515310924 +Citifinancial, PO Box 183041, Columbus, OH 43218-3041
 515310933 +Department of Veterans Affairs, PO Box 4616, Buffalo, NY 14240-4616
 515310934 +Department of Veterans Affairs, PO Box 530269, Atlanta, GA 30353-0269
 515310935 Department of Veterans Affairs, Debt Management Center,
 Bishop Henry Whipple Federal Building, PO Box 119330, Saint Paul, MN 55111
 515310939 +Elizabethtown Gas, PO Box 11811, Newark, NJ 07101-8111
 515310938 Elizabethtown Gas, PO Box 1208, Newark, NJ 07101
 515310937 Elizabethtown Gas, PO Box 1450, Elizabeth, NJ 07207-1450
 515310936 +Elizabethtown Gas, PO Box 4569, Atlanta, GA 30302-4569
 515310941 Home Depot, PO Box 689100, Des Moines, IA 50368
 515310943 +Kivitz McKeever Lee, 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541
 515310944 +Kivitz McKeever Lee, ESQ, 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541
 515310945 +Kivitz McKeever Lee, PC, 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541
 515310946 +Kivitz McKeever Lee, PC ESQ, 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541
 515310947 Kivitz, McKeever & Lee, 216 Haddon Avenue, Westmont, NJ 08108
 515310948 +Onemain Financial, PO Box 499, Hanover, MD 21076-0499
 515310955 PSEG, PO Box 14106, New Brunswick, NJ 08906
 515310951 PSEG, PO Box 14104, New Brunswick, NJ 08906-4104
 515310952 +PSEG, PO Box 14444, New Brunswick, NJ 08906-4444
 515310956 +Secretary of Veteran's Affairs, Attn: Kivitz, McKeever and Lee, PC, 701 Market Street,
 Philadelphia, PA 19106-1538
 515714857 Secretary of Veterans Affairs of Washington. D.C, c/o Residential Credit Solutions, Inc.,
 P.O. Box 163229, Fort Worth, Texas 76161-3229
 515569090 Secretary of Veterans Affairs of Washington. D.C., c/o Residential Credit Solutions, Inc.,
 PO Box 163229, Fort Worth, TX 76161-3229
 515310957 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Financial Services, PO Box 17187, Baltimore, MD 21297)
 515310960 +Toyota Motor Credit, PO Box 5856, Carol Stream, IL 60197-5856
 515310961 +Toyota Motor Credit Company, Toyota Financial Services, PO Box 8026,
 Cedar Rapids, IA 52408-8026
 515310962 +Veteran's Administration, Regional Loan Center, 1240 East Ninth Street,
 Cleveland, OH 44199-2001
 515310963 +Veteran's Affairs, PO Box 11930, Saint Paul, MN 55111-0930

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Mar 27 2017 23:59:31 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreign03.ne.ecf@usdoj.gov Mar 27 2017 23:59:29 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 515310925 +E-mail/Text: creditonebknotifications@resurgent.com Mar 27 2017 23:59:01 Credit One Bank,
 PO Box 98873, Las Vegas, NV 89193-8873
 515310927 +E-mail/Text: creditonebknotifications@resurgent.com Mar 27 2017 23:59:01 Credit One Bank,
 PO Box 98875, Las Vegas, NV 89193-8875
 515310928 +E-mail/Text: creditonebknotifications@resurgent.com Mar 27 2017 23:59:01 Credit One Bank,
 PO Box 80015, Los Angeles, CA 90080-0015
 515310929 +E-mail/Text: creditonebknotifications@resurgent.com Mar 27 2017 23:59:01 Credit One Bank,
 PO Box 60500, City Of Industry, CA 91716-0500
 515310932 +E-mail/Text: DMCCO.VBASPL@va.gov Mar 28 2017 00:00:10 Department of Veteran Affairs,
 Debt Management Center, PO Box 11930, Saint Paul, MN 55111-0930
 515534805 E-mail/PDF: resurgentbknotifications@resurgent.com Mar 27 2017 23:56:41
 LVNV Funding, LLC its successors and assigns as, assignee of FNBK, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 515539033 E-mail/PDF: cbp@onemainfinancial.com Mar 27 2017 23:56:52
 OneMain Financial Issuance Trust 2014-1, P.O. Box 6042, Sioux Falls, SD 57117-6042
 515310950 +E-mail/PDF: cbp@onemainfinancial.com Mar 27 2017 23:56:38 Onemain Financial,
 PO Box 183172, Columbus, OH 43218-3172
 515568047 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 28 2017 00:02:39
 Portfolio Recovery Associates, LLC, c/o The Home Depot, POB 41067, Norfolk VA 23541
 515310954 +E-mail/Text: bankruptcy@pseg.com Mar 27 2017 23:58:55 PSEG, PO Box 490,
 Cranford, NJ 07016-0490
 515310953 E-mail/Text: bankruptcy@pseg.com Mar 27 2017 23:58:55 PSEG, PO Box 790,
 Cranford, NJ 07016-0790

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 49

Date Rcvd: Mar 27, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

516609768 +E-mail/Text: bankruptcy.bnc@ditech.com Mar 27 2017 23:59:21
The Secretary of Veterans Affairs, c/o Ditech Financial LLC, PO Box 6154,
Rapid City SD 57709-6154, The Secretary of Veterans Affairs,
c/o Ditech Financial LLC 57709-6154
516609767 E-mail/Text: bankruptcy.bnc@ditech.com Mar 27 2017 23:59:21
The Secretary of Veterans Affairs, c/o Ditech Financial LLC, PO Box 6154,
Rapid City SD 57709-6154

TOTAL: 15

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

515310926* +Credit One Bank, PO Box 98873, Las Vegas, NV 89193-8873
515310930* +Credit One Bank, PO Box 98873, Las Vegas, NV 89193-8873
515310931* +Credit One Bank, PO Box 98875, Las Vegas, NV 89193-8875
515310940* +Elizabethtown Gas Inc., PO Box 4569, Atlanta, GA 30302-4569
515310949* +Onemain Financial, PO Box 499, Hanover, MD 21076-0499
515310958* ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
(address filed with court: Toyota Financial Services, PO Box 371339, Pittsburgh, PA 15250)
515310959* ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
(address filed with court: Toyota Motor Credit, 19001 South Western Avenue, PO Box 2958,
Torrance, CA 90509)

TOTALS: 0, * 7, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 29, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 24, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Secretary of Veterans Affairs of Washington. D.C
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Herbert B. Raymond on behalf of Debtor Emmett R Brown bankruptcy123@comcast.net,
jeff.raymond@comcast.net;raymondmail@comcast.net;carol-raymond@comcast.net;bankruptcyattorneys@comcast.net;herbertraymond@gmail.com;carbonell_c@hotmail.com;kdelyon.raymond@gmail.com
Joshua I. Goldman on behalf of Creditor Secretary of Veterans Affairs of Washington. D.C
jgoldman@kmlawgroup.com, bkgroup@kmlawgroup.com
Marie-Ann Greenberg magecf@magtrustee.com
R. A. Lebron on behalf of Creditor RESIDENTIAL CREDIT SOLUTIONS, INC., as servicer for
SECRETARY OF VETERANS AFFAIRS OF WASHINGTON. D.C. bankruptcy@feinsuch.com

TOTAL: 5